

21 C.J.S. Courts § 63

Corpus Juris Secundum | May 2023 Update

Courts

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II. Jurisdiction of Courts

D. Jurisdiction of Person

4. Particular Circumstances or Actions Affecting Exercise of Personal Jurisdiction

§ 63. Conspiracy as basis of personal jurisdiction over coconspirators

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  13.6(7)

The conspiracy theory of personal jurisdiction is based on the premise that the acts of a conspirator in furtherance of a conspiracy may be attributed to the other members of the conspiracy.

The conspiracy theory of personal jurisdiction is based on the premise that the acts of a conspirator in furtherance of a conspiracy may be attributed to the other members of the conspiracy¹ and that personal jurisdiction over a nonresident coconspirator may be exercised even absent sufficient personal minimum contacts with the forum if those contacts are supplied by another conspirator.² Thus, the conspiracy theory of personal jurisdiction is viewed as consistent with the requirements of due process.³

The absence of a demonstrable conspiracy among the defendants defeats the application of this concept of personal jurisdiction.⁴ In order for jurisdiction to apply, a coconspirator must commit an overt act in furtherance of the conspiracy which, if committed by the out-of-state defendant, would subject that defendant to personal jurisdiction.⁵ It does not apply if no member of the alleged conspiracy committed an act within the forum sufficient to render the actor subject to personal jurisdiction in the forum.⁶ Under one state's statement of the rule, the elements of conspiracy jurisdiction are that (1) the defendant had awareness of the effects in the forum of its activity; (2) the activity of coconspirators in the forum was to the benefit of the out-of-state conspirators; and (3) the coconspirators acting in the forum acted at the direction or under the control or at the request of or on behalf of the out-of-state defendant.⁷

In contrast, some authorities emphasize that due process requirements remain applicable to coconspirators, as to any other defendants,⁸ and the absence of sufficient contacts with the forum by a nonresident coconspirator will defeat personal jurisdiction allegedly predicated on the defendant's participation in a conspiracy with forum residents.⁹

CUMULATIVE SUPPLEMENT

Cases:

Defendants in securities fraud action were subject to jurisdiction under New York's long-arm statute based on participation in conspiracy that involved the commission of tortious acts in New York; defendants were directors on board during most of the time when company was involved in a fraudulent scheme, amended complaint detailed conspiracy to commit fraud using company, agreements between board members and insiders, and although defendants did not reside or do business in New York, other company defendants were in New York or interacted regularly with New York, including one of the masterminds of fraudulent scheme, and defendants approved proxy statement on which they were listed and which sought approval of sham acquisition, received "hush money" to ignore certain red flags, and failed to correct misrepresentations or disclose material information to the public. [N.Y. CPLR § 302\(a\)\(2\). Wimbledon Financing Master Fund, Ltd. v. Weston Capital Management LLC, 160 A.D.3d 596, 76 N.Y.S.3d 121 \(1st Dep't 2018\).](#)

[END OF SUPPLEMENT]

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Footnotes

- 1 U.S.—Byrd v. Aaron's, Inc., 14 F. Supp. 3d 667 (W.D. Pa. 2014) (applying Pennsylvania law).
Ark.—Gibbs v. PrimeLending, 2011 Ark. 255, 381 S.W.3d 829 (2011).
Del.—Carsanaro v. Bloodhound Technologies, Inc., 65 A.3d 618 (Del. Ch. 2013).
Fla.—NHB Advisors, Inc. v. Czyzyk, 95 So. 3d 444 (Fla. 4th DCA 2012).
Ga.—Hyperdynamics Corp. v. Southridge Capital Management, LLC, 305 Ga. App. 283, 699 S.E.2d 456 (2010).
Kan.—Aeroflex Wichita, Inc. v. Filardo, 294 Kan. 258, 275 P.3d 869 (2012).
N.Y.—New Media Holding Co. LLC v. Kagalovsky, 97 A.D.3d 463, 949 N.Y.S.2d 22 (1st Dep't 2012).
Tenn.—First Community Bank, N.A. v. First Tennessee Bank, N.A., 2015 WL 9025241 (Tenn. 2015).
- 2 Tenn.—First Community Bank, N.A. v. First Tennessee Bank, N.A., 2015 WL 9025241 (Tenn. 2015).
Contacts are imputed
Del.—In re American Intern. Group, Inc., 965 A.2d 763 (Del. Ch. 2009), judgment aff'd, 11 A.3d 228 (Del. 2011).
Ga.—Hyperdynamics Corp. v. Southridge Capital Management, LLC, 305 Ga. App. 283, 699 S.E.2d 456 (2010).
- 3 Ark.—Gibbs v. PrimeLending, 2011 Ark. 255, 381 S.W.3d 829 (2011).
Ga.—Hyperdynamics Corp. v. Southridge Capital Management, LLC, 305 Ga. App. 283, 699 S.E.2d 456 (2010).
Tenn.—First Community Bank, N.A. v. First Tennessee Bank, N.A., 2015 WL 9025241 (Tenn. 2015).
- 4 Ala.—Ex parte Alamo Title Co., 128 So. 3d 700 (Ala. 2013).
Colo.—Giduck v. Niblett, 2014 COA 86, 2014 WL 2986670 (Colo. App. 2014), cert. dismissed, (Aug. 28, 2015).
Mich.—Yoost v. Caspari, 295 Mich. App. 209, 813 N.W.2d 783 (2012).
N.Y.—Bluewaters Communications Holdings, LLC v. Ecclestone, 122 A.D.3d 426, 996 N.Y.S.2d 232 (1st Dep't 2014).
- 5 Tenn.—First Community Bank, N.A. v. First Tennessee Bank, N.A., 2015 WL 9025241 (Tenn. 2015).
- 6 U.S.—World Wide Travel Incorporated v. Travelmate US, Inc., 6 F. Supp. 3d 1 (D.D.C. 2013) (applying District of Columbia law).
Not purposely directed toward forum
Ill.—Knaus v. Guidry, 389 Ill. App. 3d 804, 329 Ill. Dec. 446, 906 N.E.2d 644 (1st Dist. 2009).
- 7 U.S.—Brady v. Basic Research, L.L.C., 101 F. Supp. 3d 217 (E.D. N.Y. 2015) (applying New York law).
Alternative elements
Del.—Carsanaro v. Bloodhound Technologies, Inc., 65 A.3d 618 (Del. Ch. 2013).
Md.—Fisher v. McCrary Crescent City, LLC, 186 Md. App. 86, 972 A.2d 954 (2009).

8 U.S.—*EcoDisc Technology AG v. DVD Format/Logo Licensing Corp.*, 711 F. Supp. 2d 1074 (C.D. Cal. 2010) (applying California law); *Hallmark Cards, Inc. v. Monitor Clipper Partners, LLC*, 757 F. Supp. 2d 904 (W.D. Mo. 2010) (applying Missouri law).

Tex.—*Booth v. Kontomitras*, 2016 WL 240887 (Tex. App. Beaumont 2016).

9 Neb.—*Ashby v. State*, 279 Neb. 509, 779 N.W.2d 343 (2010).

Tex.—*Booth v. Kontomitras*, 2016 WL 240887 (Tex. App. Beaumont 2016).

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